IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.307 OF 2005
IN
SUMMARY SUIT NO.327 OF 2005

Laxmi K.Bhatia ....Plaintiff
V/s.
Deepak Shroff & Anr. ....Defendants

Mr.Sanjay Jain i/b Mr.Bharat Joshi for the Plaintiff.
Mr.D.H. Mehta for the Defendants.

CORAM : S.J. VAZIFDAR, J.
DATED : 28TH NOVEMBER, 2005.

P.C. :

1. The suit is filed on the bills of exchange drawn by Defendant No.1 and accepted by Defendant No.2.

2. Though in the affidavit in reply it is alleged by Defendant No.1 that the bills of exchange "were not executed", it is admitted that the bills of exchange were signed by both the Defendants. It is pertinent to note that Defendant No.2 has not even filed an affidavit in reply.

3. The only defence sought to be raised was that the Defendants received no consideration. There is no

explanation why the Defendants in that event executed the bills of exchange. The presumption of consideration is therefore not rebutted. Thus there is no defence to the suit.

2. There is no affidavit in reply. There is no reply to the Plaintiff’s notice of demand. There is no defence to the suit.

3. In the circumstances, the Summons for Judgment is made absolute and the suit is decreed as prayed with costs.

. Refund as per rules.